



**Comments on ET Docket No. 13-44**

In the Matter of:

“Amendment of Parts 0, 1, 2, and 15 of the Commission’s Rules regarding Authorization of Radiofrequency Equipment”

“Amendment of Part 68 regarding Approval of Terminal Equipment by Telecommunications Certification Bodies”

**Introduction** – The American Association for Laboratory Accreditation (A2LA) is a nonprofit, non-governmental, public service, membership society. A2LA provides comprehensive services in laboratory accreditation and laboratory-related training. Services are available to any type of organization, be it private or government. A2LA’s laboratory accreditation program is based on internationally accepted criteria for competence (ISO/IEC 17025:2005). A2LA also offers programs for accreditation of inspection bodies, proficiency testing providers, reference material producers and product certification bodies.

A2LA’s mission is to provide world-class accreditation and training services for testing and calibration laboratories, inspection bodies, proficiency testing providers, reference material producers and product certifiers. These and other future services should create stakeholder confidence in the quality, competence and integrity of all A2LA-accredited organizations and in their products and services.

A2LA seeks to establish cooperative arrangements with laboratory accreditation systems in other countries and in the United States. These arrangements facilitate the acceptance of test and calibration data between A2LA-accredited laboratories and other countries/economies. A2LA is currently a full member signatory of the following International Mutual Recognition Arrangements (MRAs):

- International Laboratory Accreditation Cooperation (ILAC)
- Asia Pacific Laboratory Accreditation Cooperation (APLAC)
- Inter-American Accreditation Cooperation (IAAC)
- International Accreditation Forum (IAF)

We appreciate the opportunity to provide comments on the proposals outlined by the FCC in this NPRM, and are in strong support of a majority of the changes presented. We offer the following comments, organized according to paragraph numbering within the NPRM, in an effort to strengthen and clarify areas of concern identified by our organization.

**Comment #1: Paragraph 33** – Due to the competitive nature of the TCB business, we do not support cross-checking among TCB’s for market surveillance activities. In addition, as requested several times in TCB Council meetings by multiple TCB’s, we propose that the request for market surveillance samples should be sent to the grantees by the FCC, which would further enhance the sample selection process.

**Comment #2: Paragraph 38** – We support the proposal to recognize NIST as the designating authority for TCB’s within the United States.

**Comment #3: Paragraph 39** – We support the idea that less severe actions than withdrawal of recognition of the TCB be adopted within the Rules. If the TCB’s accreditation body suspends the TCB’s accreditation, or the FCC finds TCB performance issue that warrant corrective action, we support the proposal to suspend the TCB’s FCC recognition and work through the pre-approval guidance procedure for a period of time (from 3 to 6 months depending on severity of performance issues).

**Comment #4: Paragraph 40** – In cases where a TCB continues to exhibit performance deficiencies after the Commission requests that it take corrective action, we support the proposal for the FCC to request the designating authority and accreditation body to conduct a detailed investigation of the issues. In addition to requesting an investigation, we propose that the designating authority and accreditation body be required to provide the FCC with a report on the findings from their investigation. We feel that providing the TCB with a 60 day notice prior to the Commission withdrawing recognition is too long a time frame; since the TCB would be well aware of the pending withdrawal if the proposals in Paragraph 39 and 40 are followed. If the TCB exhibits continued performance issues, and a report from the designating authority suggests the suspension or withdraw of recognition, then the FCC should take action immediately, or perhaps shorten the notice period to 30 days.

**Comment #5: Paragraph 42** – When performance issues arise with a TCB we feel it is prudent for the FCC to require the TCB to work through the pre-approval process for a period of time. The period of time a TCB would have to work through the pre-approval process, and the conditions/circumstances that would warrant this decision, seem too numerous to list in the Rules. This should be a decision rendered by the FCC, with consultation from the designating authority and accreditation body regarding the investigation of the TCB’s performance issues. We feel that every instance of performance issues will likely be a unique case for each TCB, so there must be flexibility to handle sanctions on a case by case basis.

**Comment #6: Paragraph 45** – We support the proposal to update references to ISO/IEC 17011, ISO/IEC 17025, and ISO/IEC 17065. With respect to the transition from ISO Guide 65 to ISO/IEC 17065, we note that the International Accreditation Forum (IAF) has adopted a three year transition period from date of publication; whereby the accreditation bodies must have all certification bodies accredited to ISO/IEC 17065:2012 no later than September 15, 2015. We propose that the Commission adopt this same period, and require all TCB’s to be accredited to ISO/IEC 17065 no later than September 15, 2015.

**Comment #7: Paragraph 49** – We support the proposal to require that all laboratories who test equipment subject to certification and DoC under any rule part be accredited to ISO/IEC 17025. From our experience, the current 2.948 listing process is not as rigorous as the accreditation process, which provides all parties with a higher level of confidence in the test results and holds labs more accountable for their actions. If accreditation is required, the FCC will have an oversight body in which to interact with if/when problems or questions arise with the accredited laboratory, and to which can take prompt action with the laboratory in question if necessary. In addition, the existing accreditation bodies have adequate resources to accept new applications and perform assessments of these laboratories right away, with no need for a “ramp up” period.

**Comment #8: Paragraph 51** – We support the FCC maintaining a list of accredited laboratories that are acceptable for testing equipment subject to certification and DoC procedures; however, we feel that more detail is needed in this paragraph if the FCC would like the accreditation bodies to list the types of equipment the laboratory tests on their Scope of Accreditation published by the accreditation body.

**Comment #9, Paragraph 52** – Given the number and nature of concerns that have arisen recently with test reports issued by 2.948 listed laboratories, we feel that it is necessary and appropriate to require accreditation of laboratories that perform certification testing. As mentioned in Paragraph 47 of this NPRM, accreditation involves extensive review of documentation, technical competence, and on-site visits by technical experts of the accreditation body; whereas the 2.948 listing process is based solely on an off-site Commission review of documentation submitted by the laboratory. The on-site assessment of the laboratory by the accreditation body ensures the existence of the proper facilities and technical capabilities; and also provides the FCC with a conduit for communication with the laboratory, as well as continued oversight by a third party. As such, we feel that the 2.948 test site listing process should be eliminated.

**Comment #10, Paragraph 52** – Regarding the list of information that should be included on the list of accredited laboratories, we note that Paragraph 51 of this NPRM mentions that a list of laboratories would be accompanied by a list of the “types of equipment they can test”. We feel that the present listing of accredited laboratories on the FCC’s OET website is an adequate process; however if the Commission would like additional detail regarding the types of equipment that the lab can test, it would be helpful if a comprehensive selection list was provided to ensure consistency of the listings from lab to lab.

**Comment #11, Paragraph 52** – With respect to steps the Commission could take to recognize the accreditation of test laboratories outside of the United States in countries that do not have an MRA with the United States; we first feel that this should not be permitted, as it may undermine the current MRA process. If an alternative means of obtaining recognition by the FCC were allowed in foreign economies there would no longer be a need for new MRA development, while laboratories recognized under existing MRA partners may be held to a more stringent set of requirements to retain their recognition. Given these comments, we do understand that some economies may be reluctant or unwilling to enter into MRA’s, thus putting their domestic test laboratories at a competitive disadvantage. In these situations, where the FCC and USTR have had MRA discussions and the foreign economy is unwilling to proceed with an MRA, we feel that alternative recognition procedures should be adopted. Under an alternative recognition procedure, we would fully support the proposal that the Commission recognize accreditations made by any accreditation body (foreign or domestic) that is a full member signatory to the International Laboratory Accreditation Cooperation (ILAC) MRA; with the caveat that the ILAC accreditation body would also have to comply with the requirements outlined in Paragraph 55 of this NPRM to become recognized as a laboratory accreditation body. We feel that ILAC recognition, in conjunction with the additional criteria outlined in Paragraph 55, is the will provide the only mechanism for ensuring the competence of accreditation bodies on a global level; and in turn provide assurance on the competency of the FCC recognized test firms.

**Comment #12, Paragraph 54** – We support the proposal to modify the rules in order to reference and recognize ISO/IEC 17011.

**Comment #13, Paragraph 56** – We support the proposal to codify the August 12, 2010 public notice into the rules as the method that OET will use to determine the acceptability of new laboratory accreditation bodies. We request that additional wording be added to this proposal to clarify that the criteria outlined in Paragraph 55 of this NPRM for accreditation body recognition applies to **both** domestic accreditation bodies **and** foreign accreditation bodies **in countries that do not have an existing MRA with the United States** (please refer to our comment #11 above discussing acceptance of foreign accreditation bodies or domestic accreditation bodies operating in a foreign location under this scenario). To prevent duplicate accreditations (in cases where other specifiers may require certain accreditations), the rules should also allow domestic accreditation bodies to accredit laboratories in foreign locations.

**Comment #14, Paragraph 70** – We fully agree and support the proposal to delegate this additional authority to the Chief of OET, in an effort to speed up the process of updating the FCC’s rules to reflect the release of revised industry standards.

**Comment #15, Paragraph 73** – First, we agree with the proposal to cease accepting application for unaccredited laboratories under the 2.948 listing program as of the effective date of the final rules of this NPRM. Secondly, we agree with the proposal that unaccredited laboratories that are 2.948 listed as of the effective date of the final rules may continue to perform testing in support of certification applications until one year after the publication of final rules in the Federal Register. A one year transition period is a fair and reasonable amount of time for the laboratories to apply to an accreditation body and become accredited under the new rules. Third, regarding the proposed requirement that all laboratories must meet the ANSI C63.4-2009 site validation criteria within one year of publication of the final rules in the Federal Register; we ask for clarification on the test standard the laboratories would need to comply with. The third proposal in this paragraph of the NPRM appears to indicate that laboratories will need to “comply with the site validation criteria in ANSI C63.4-2009”, but does not stipulate that the laboratories must be accredited to ANSI C63.4-2009 as well. We request that the final rules stipulate that the laboratories must be accredited and meet the site validation criteria of this standard. The proposed wording appears to only require the lab’s compliance with site validation criteria.